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5 UNITED STATES DISTRICT COURT

6 DISTRICT OF NEVADA

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9 GERALD NETZKY and DIANNA  
NETZKY,

10 Plaintiffs,

11 v.

12 BANK OF AMERICA, et al.,

13 Defendant.  
14 \_\_\_\_\_ )

2:11-CV-00128-PMP-LRL

ORDER

15 Before the Court for consideration is Defendant Bank of America Home Loan  
16 Servicing LP's Motion to Dismiss, or in the Alternative Motion for Summary Judgment  
17 (Doc. #4) filed January 31, 2011. On February 14, 2011, Plaintiffs filed a Motion to  
18 Remand the Action to State Court and to "Dismiss" Defendant Bank of America's Motion  
19 to Dismiss (Docs. #8 & #9). On February 25, 2011, Defendant MTC Financial, Inc. filed a  
20 Motion to Dismiss Plaintiffs' Complaint (Doc. #20).

21 The Court finds that Defendants have demonstrated that jurisdiction lies in this  
22 Court and that removal was appropriate based upon diversity of citizenship and a sum in  
23 controversy in excess of \$75,000.00. 28 U.S.C. §1332. Therefore, Plaintiffs' Motion to  
24 Remand must be denied.

25 Plaintiffs have not in their filings substantively responded to the arguments in the  
26 pending Motions to Dismiss (Docs. #4 & #20). Notwithstanding Defendants' arguments  
27 that Plaintiffs should not be permitted additional time to do so, the Court will permit  
28 Plaintiffs to and including **April 1, 2011** within which to file a substantive response to

1 Defendants' Motions to Dismiss (Doc. #4 & #20).

2 **IT IS SO ORDERED.**

3 **IT IS FURTHER ORDERED** that Plaintiffs' Motion to Remand (Doc. #8) is  
4 DENIED.

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6 DATED: March 17, 2011.

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8 PHILIP M. PRO  
9 United States District Judge  
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